

FILED
Clerk
District Court

NOV 17 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

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Attorneys for Defendant
JLH PACIFIC TRUST

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTHERN MARIANA ISLANDS**

PATTI C. BALLONE, *et al.*,
Plaintiffs,
v.
BERT MONTGOMERY, *et al.*,
Defendants.

CIVIL ACTION NO. CV 03-0013

DAVID H. SCHMIDT, *et al.*,
Plaintiffs,
v.
BERT DOUGLAS MONTGOMERY, *et al.*
Defendants,
v.
UNITED FOREX INVESTORS, *et al.*,
Third-Party
Defendants.

**PROOF OF PUBLICATION OF
SERVICE OF PROCESS UPON
THIRD-PARTY DEFENDANT
DAVID HOWELL**

1 Comes now, JLH PACIFIC TRUST, by and through its attorneys, Brien Sers
2 Nicholas, Attorney At Law, and Glenn K. Sato, Attorney At Law, for submission of Proof of
3 Publication of Service of Process upon Third-Party Defendant David Howell attached hereto.

4 Dated this 16th day of November, 2005, on Saipan, CNMI.
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9 BRIEN SERS NICHOLAS (F0163)
10 GLENN K. SATO (2176-0)

11 Attorneys for JLH PACIFIC TRUST
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UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

IN THE MATTER OF

CIVIL NO. CV 03-0013

IN THE UNITED
STATES DISTRICT
COURT FOR THE
NORTHERN
MARIANA ISLANDS
SUMMONS

TO: DAVID HOWELL

Pursuant to a March 23, 2004 Order Setting Status Conference, Mediation and Settlement Conference, and Allowing Service by Publication, YOU ARE HEREBY NOTIFIED THAT Defendant JLH PACIFIC TRUST has filed a First Amended Counterclaim, Crossclaim and Third-Party Complaint in Civil Case No. CV 03-0013 for determination of your right, title and interest to certain interplead funds together with such other relief as the Court deems just.

YOU ARE HEREBY SUMMONED and required to serve upon JLH PACIFIC TRUST'S Attorney:

BRIAN SERS NICHOLAS
1st Floor, UTU Building
San Jose Village
Saipan, MP 96950

an answer to the First Amended Counterclaim, Crossclaim and Third-Party Complaint within twenty (20) days after the date of this published notice. If you fail to do so, judgment by default will be taken against you for the relief demanded in the First Amended Counterclaim, Crossclaim and Third-Party Complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Publication of Summons ordered by Judge Alex R. Munson pursuant to Order Setting Status Conference, Mediation and Settlement Conference, and Allowing Service by Publication dated March 23, 2004.

(Hon. Adv.: Sept. 30; Oct. 7, 14, 2005) (A-249294)

AFFIDAVIT OF PUBLICATION

STATE OF HAWAII

City and County of Honolulu

SS.

Jane Kawasaki *being duly sworn,*
deposes and says that she is a clerk, duly authorized to execute this affidavit of THE HONOLULU ADVERTISER, a division of GANNETT PACIFIC CORPORATION, that said newspaper is a newspaper of general circulation in the State of Hawaii, and that the attached notice is a true notice as was published in the aforementioned newspaper as follows:

The Honolulu Advertiser: 3 time(s), on
09/30/2005,
10/07/2005, 10/14/2005

and that affiant is not a party to or in any way interested in the above entitled matter.

Jane Kawasaki
Subscribed and sworn to before me this 14th day of October A.D. 2005.

Elsie A. Maruyama

Notary Public of the First Judicial Circuit

State of Hawaii

My commission expires

March 7, 2008

